

# **Introduction to Title III, Part A – Funding and Supporting English Learners**

**Federal Funding Conference  
February 2019**

# Agenda

- English Learner Alphabet Soup
- Purpose of Title III-A
- Required and allowable uses
- Supplement-not-supplant
- Title III-A Formula Allocation
- Consortia Requirements
- LEA Plans
- WISEgrant application
- Equitable Service Participation
- Title III WUFAR
- Immigrant Children and Youth
- Common EL entry and exit procedures

# English Learner Alphabet Soup

- **EL/ELL**
- **ELP/D**
- **DLL**
- **WIDA**
- **LIEP**
- **LEP**
- **Lau**



# English Learner Alphabet Soup

- **EL- English Learner/English Language Learner**
- **ELP/D - English Language Proficiency/Development**
- **DLL- Dual Language Education**
- **WIDA**
- **LIEP - Language Instruction Education Program**
- **LEP – Limited English Proficient (parents)**
- **Lau Remedies**

# English Learner

Under ESSA, an “English learner,” when used with respect to an individual, means an individual —

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)(i) who was not born in the United States or whose native language is a language other than English;
- (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
- (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
- (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

[1] ESSA, Section 8101(20). Also, *ED 2016 Title III, Part A Guidance*, p. 43.



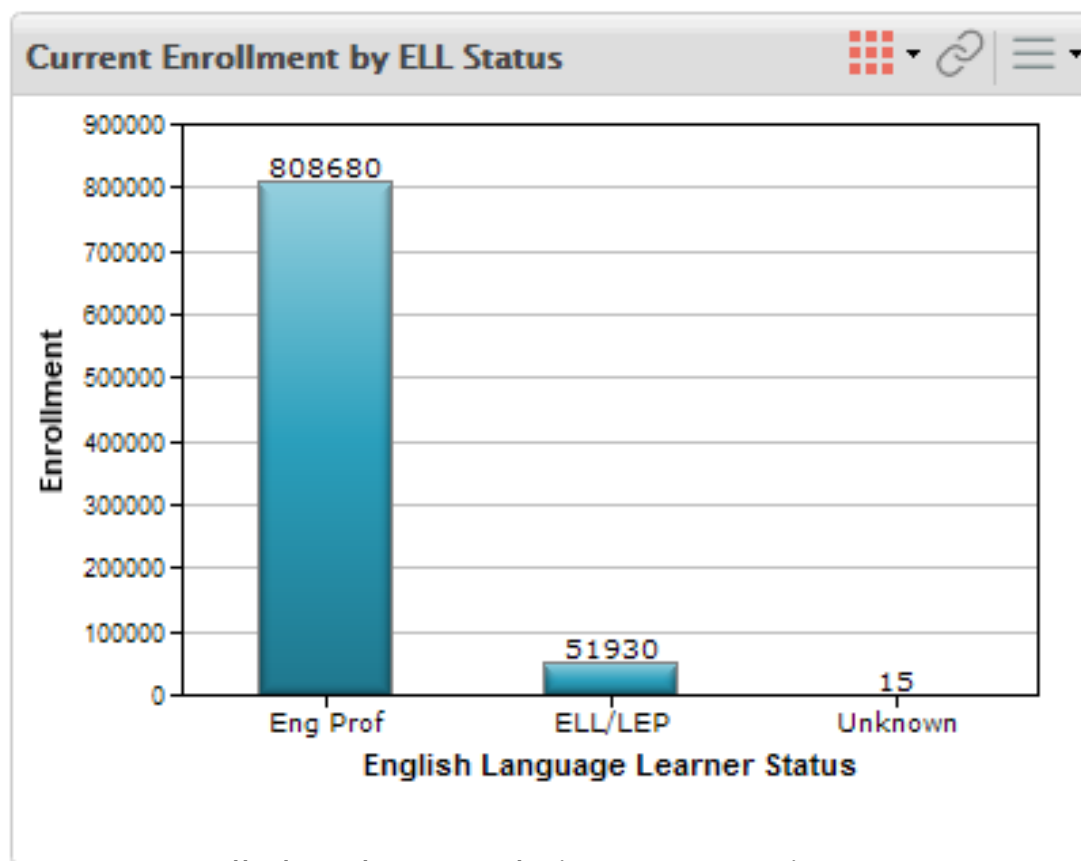
# English Learner continued...

- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
- (i) the ability to meet the challenging State academic standards;
  - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
  - (iii) the opportunity to participate fully in society.<sup>[1]</sup>

[1] ESSA, Section 8101(20). Also, *ED 2016 Title III, Part A Guidance*, p. 43.



# Wisconsin English Learner Population 2017-18

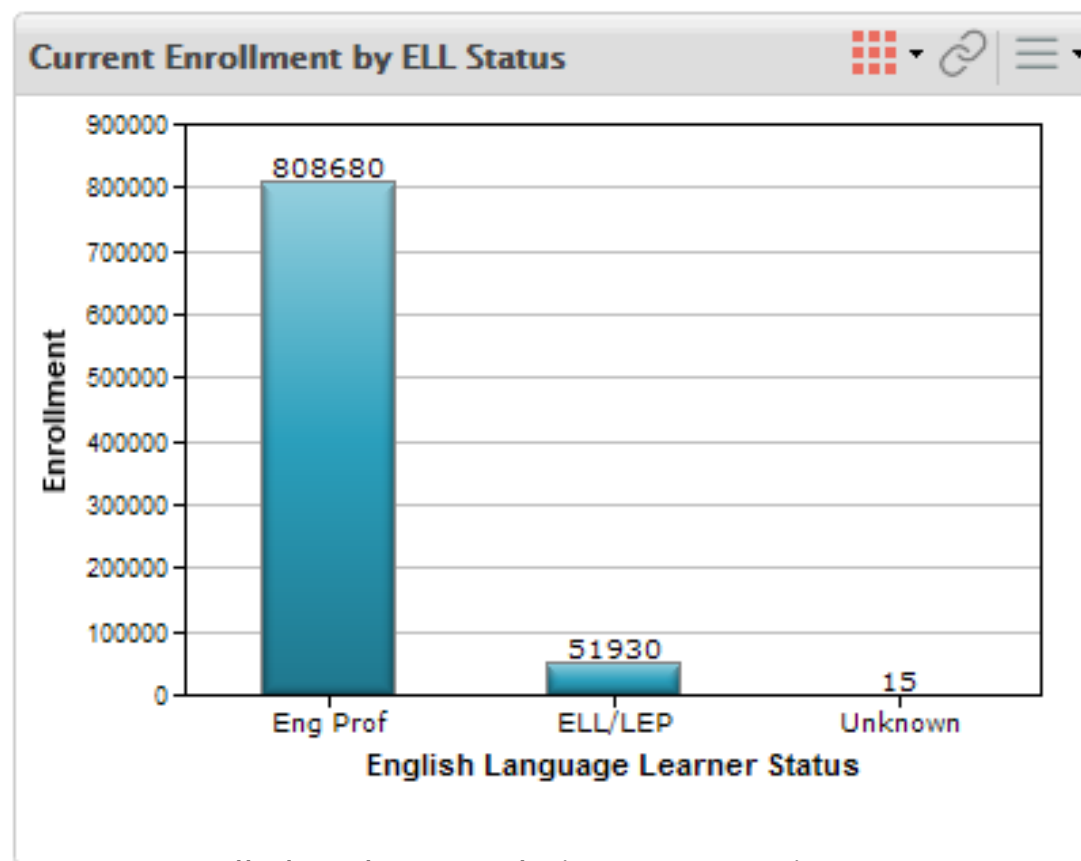


Enrolled student population as report via WISEgrants. Retrieved February 15, 2018

**51,930 represents 6.4 % of the current enrolled students reported.**

**There were an additional 2,895 student identified as English Learners in Private Schools that participated in Title III.**

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# ELP Coding in State Data Collections

**Students with ELP classifications of 1-5 are considered English Learners\***

- 1 = ELL/EL/LEP Beginning Preproduction. (WIDA label: Entering)**
- 2 = ELL/EL/LEP Beginning Production. (WIDA label: Beginning)**
- 3 = ELL/EL/LEP Intermediate. (WIDA label: Developing)**
- 4 = ELL/EL/LEP Advanced Intermediate. (WIDA label: Expanding)**
- 5 = ELL/EL/LEP Advanced. (WIDA label: Bridging)**
- 6 = Formerly ELL/EL/LEP, now fully English proficient**
- 7 = Fully English proficient, never ELL/EL/LEP**



# General Purpose of Title III



To help ensure that English Learners (ELs), including immigrant children and youth, attain English language proficiency and meet the same standards that all children are expected to meet. (Section 3102 of the ESEA, as amended by the ESSA)



# Title III Required Activities

- 1) To increase the English language proficiency of English Learners by providing effective Language Instruction Educational Programs
- 2) To provide effective professional development to classroom teachers, principals and other school leaders, administrators, and other school or community-based organizational personnel
- 3) To provide other effective activities and strategies that enhance or supplement LIEPs for ELs, which must include parent, family, and community engagement activities, and *may include strategies that serve to coordinate and align related programs*



ESEA, Section 3115(c)(1)-(3)



# “Effective” Language Instruction Education Programs

LIEPs should demonstrably result in improved English language proficiency and academic achievement for ELs to be considered “effective” for purposes of the Title III requirement.

States are required to monitor LEAs implementing Title III and to take steps to further assist districts in reaching this goal.

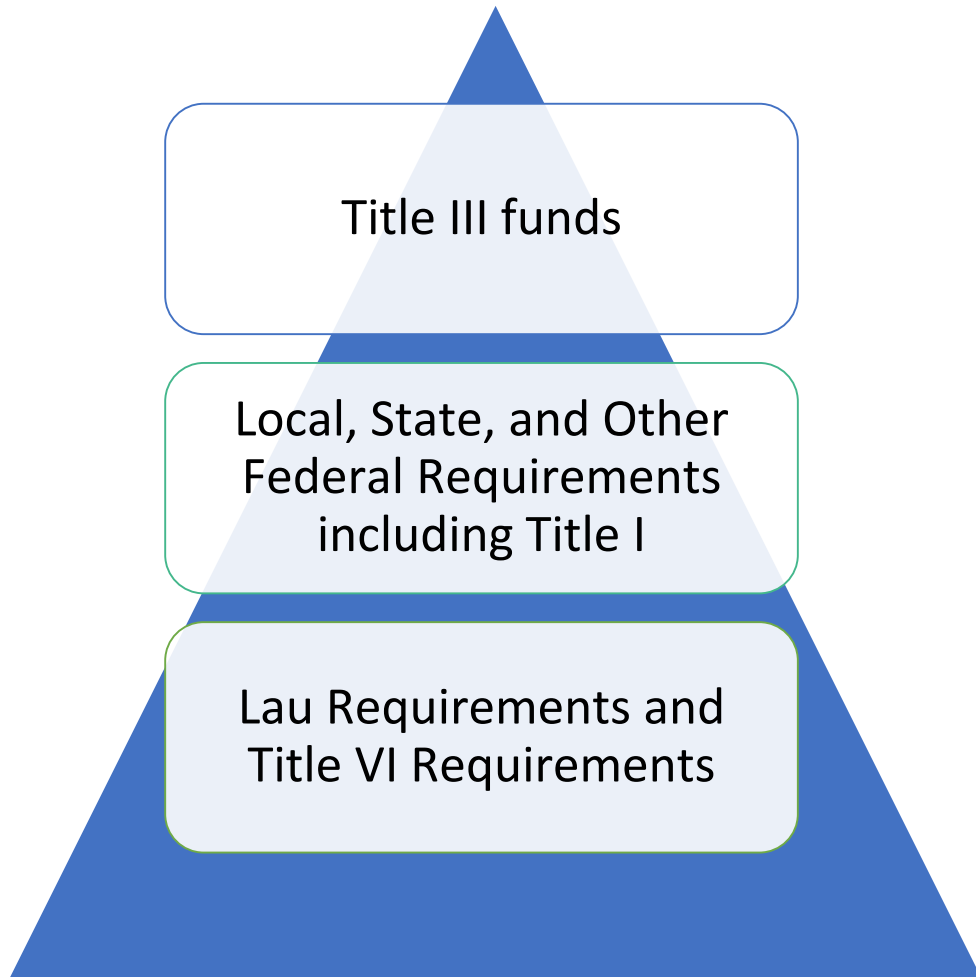
*According to **Consteñeda v Pickard (1981)**<sup>1</sup>, language education program must be:*

- Based on sound educational theory
- Implemented effectively with resources for personnel, instructional materials, and space
- Proven effective in overcoming language barriers

<sup>1</sup>[Castañeda v. Pickard](#)



# Title III Supplement, not Supplant



- Title III has its own provision prohibiting supplanting of other federal, state, and local fund.
- The amended supplement-not-supplant provision in ESEA that applies to Title I does not apply to Title III.
- Title III funds cannot be used to fulfill an LEAs obligation under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA).

# Supplement, not Supplant

Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), public schools must ensure that EL students can participate meaningfully and equally in educational programs.

[Castañeda v. Pickard](#): Districts must meet three requirements to demonstrate that their support program is serving ELs: The program must be based on a sound educational theory, implemented effectively with sufficient resources and personnel, and evaluated to determine whether or not it is effective.

Public Schools are also required to communicate effectively with parents.



# Supplement, not Supplant

In general, it is presumed that supplanting has occurred if:

- LEAs use federal funds to provide services that the LEA was required to make available under other laws.
- An LEA uses federal funds to provide services that the LEA provided with other funds in the prior year.



# Supplement, not Supplant: Assessments

LEAs may not use Title III funds to administer the annual English language proficiency assessment, *ACCESS for ELLs*.

LEAs may not use Title III funds for purposes relating to identification of ELs including implementation of an English Language Proficiency Screener.



# Supplement not Supplant Title I/III

**An LEA may still use Title III funds for EL-related activities previously required under Title III and now required under Title I as long as:**

- **the use of funds is consistent with the purpose of Title III and are “reasonable and necessary costs;”**
- **the use of funds is supplemental to the SEA’s or LEA’s civil rights obligations to ELs under Title VI and the EEOA; and**
- **the SEA or LEA can demonstrate it is also using Title III funds to conduct activities required under Title III.**

**Examples include**

- **EL parent notifications about language programs**
- **EL reporting**
- **Parent participation activities**



# Supplement not Supplant

**4 Key questions to consider when determining whether Title III funds can be used without violating the supplement not supplant requirement.**

1. What is the instructional program or service provided to all students?
1. What does the LEA do to meet its *Lau* obligation?
1. What services is the LEA required by other Federal, State, and local laws or regulations to provide?
1. Was the program or service previously provided with federal, state or local funds?



# Translation and Interpreting Services

- Title III funds may be used for supplemental translation and interpretation activities that are not provided for all students and are for activities specific to English Learners
- Title III funds may not be used to pay for translation and interpretation costs on state academic achievement assessments or parent-teacher conferences.
- Title III funds may not be used to provide translation or interpretation services to meet Civil Rights obligations to ensure meaningful communications with LEP parents/guardians.



# Examples of Allowable Uses of Title III Funds

- Implementation family ELS classes focused on understanding the local school system.
- Contract for a licensed ESL teacher mentor from another district.
- PLC book study for all teacher focus on supporting ELs and families.
- Transportation costs directly related to the provision of supplemental services for students or training for staff



# Professional Development and Travel

- Must be of sufficient intensity and duration to have a positive and lasting impact on an educator's performance in the classroom.
- Must be designed to improve the instruction and assessment of EL students; designed to enhance the ability of teachers to understand and use curricula, assessment measures, and instructional strategies; and based on research in increasing students' English proficiency.
- Shall not include activities, such as one-day or short-term workshops and conferences, unless they are a part of a comprehensive professional development plan that is based on an assessment of the needs of the teacher, the supervisor, and the students.



# Scenarios

**Discuss with your colleagues the possible uses of Title III funds in with following scenarios.**

**Consider why or why not Title III funds can be used in this scenario.**

# A-Wisc School District

A-Wisc School District has seen a steady increase in its EL population over the last few years. The district has undergone a strategic planning initiative and has decided to make some significant changes to its program. Currently, the district has a full-time ESL teacher, a part-time ESL teacher, and one full-time Spanish bilingual paraprofessional. This team provides language instruction in a mix of approaches to students from grades K-11th in two buildings. It's exploring how it may use Title III funds around expanded learning opportunities, staff capacity, curriculum, and family focused initiatives.

# Test Your Knowledge

**Allowable or Non-allowable Activities?**



# Title III-A Formula Allocation

*Total Funds* (TF) available to Wisconsin for subgrantees divided by number of students tested on the ACCESS for ELLs.

The LEA allocation equals the *Per Pupil Allocation* (PPA) multiplied by number of EL students administered the ACCESS test previous year's testing cycle.

2018-19 District A-WISC

EL students tested in 2016-17 (ELP 1-5) in grades K-12 X PPA

90 public school students x \$123 = \$11,070

3 non-public school students x \$123\* = \$369

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11,439

# WISEgrant Application

Application approval may be expedited if the LEA can provide sufficient details to communicate that the activity is an allowable use of funds and supplanting has not occurred.

Provide and implement other effective activities

- Describe the proposed activity
- Describe the intended outcome
- How will the intended activity supplement the LEA's required core ELD program?
- TBD does not provide enough information for approval.

**New:** States are now required to monitor districts implementing Title III and take steps to further assist districts in reaching this goal.



# Title III Consortium Requirements

- LEAs receiving less than \$10,000 are required to participate in a consortium to access Title III funds.
- Signature Designee must sign funds over to consortia within the WISEgrant application.

Select consortia for manage funds option, then select consortia leader, authorize designee digitally signs authorization form.
- LEAs are still responsible for year-end reporting requirements and for providing services to ELs.



# Fiscal Administrative and Indirect Costs

- 2% cap on LEA funds for administrative costs. Any funds the LEA reserves for administrative costs may be used only for direct administrative costs.
- An LEA may apply its restricted indirect cost rate to the portion of its subgrant that it does not reserve for administrative costs for up to 98% of its Title III award.



# Required Uses of Title III Funds

Funds must be assigned to all three Title III required activities:

- ✓ Instruction
- ✓ Professional Development
- ✓ Family Engagement

The LEA must be able to identify the source of funds and how the funds will be used to support ELs.

If Title III funds are not used to carry out all three of these required activities, the LEA must identify if:

- ✓ Other state or local funds; or
- ✓ Bilingual Bicultural funds will instead be used to carry out these activities.



# Title III Equitable Services Participation

- Title III participating LEAs must reach out to schools within their boundaries regarding equitable services participation.
- Private school students must be screened and tested annually for EL eligibility.
- The Title III allocation available to private schools is based on number of students tested for previous English proficiency assessment cycle (ACCESS test).
- Funds are managed by the LEA and property is kept in care of the LEA.
- Two percent allowable administration expense is assigned to the district.



# Title III Equitable Participation

- Equitable Services Participation
- One eligible required activity must be assigned for participating private schools that have an allocation.
- Any staff must be employed by either the LEA or a 3<sup>rd</sup> party, not for the Private school.
- Funds assigned to private schools should not exceed the private school allocation available.
- Use of funding must not be in violation of any State law regarding the education of English Learners.
- These requirements apply to LEAs and consortia members.



# Title III WUFAR Project Code: 391

- Funds cannot be assigned to activities previously provided with other federal, state and local funding as this violates the supplement-not-supplant requirement. This includes funding for personnel.
- Assign the percent of a full-time staff position to Title III within the WISEgrant application.

Consider long term implication for staffing assigned to Title III.

## Question:

When is staff assigned to support ELs part of a language education program or providing supplemental services?



# **Immigrant Children and Youth Grant Set Aside**

**Wisconsin sets aside approximately 5% of its Title III-A allocation for discretionary grants to LEAs with a “significant increase” in the percent of immigrant children and youth.**

## **Immigrants**

- **are aged 3 through 21;**
- **were not born in any state (including Puerto Rico); and**
- **have not been attending one or more schools in any one or more states for more than three full academic years\*.**
- **Note: Immigrants are not always English Learners**

**ESEA, Section 3301(6)**

# Immigrant Children and Youth Discretionary Grant

## Eligibility:

A 25% increase in your district's Immigrant and Youth in current year over the average of number of immigrants in your district the two previous year as reported via your Student Information System (SIS) reported to WISEdata.

Consortia may also apply. Services should focus on supplemental support for immigrant and youth.

Application usually available in March: <https://dpi.wi.gov/english-learners/immigrants-and-refugees/immigrant-children>

# Questions

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